

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

	)	
LAKEWOOD HEALTH SYSTEM	)	
AND NORTHWEST MEDICAL CENTER,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 07-69-GMS
	)	
TRIWEST HEALTHCARE ALLIANCE CORP.,	)	
	)	
Defendant.	)	
	)	

**NOTICE BY THE UNITED STATES OF ITS INTENT  
TO FILE A STATEMENT OF INTEREST**

In this litigation the parties dispute the Department of Defense's interpretation of its regulations concerning the TRICARE program, whether the United States is the real party in interest or a necessary and indispensable party, and whether the plaintiffs could have availed themselves of an administrative appeal process. Although the United States is not a party in this action, it does have an interest in addressing certain of the issues raised therein. Accordingly, any participation by the United States would be provided for by 28 U.S.C. § 517.

Pursuant to 28 U.S.C. § 517, the Attorney General of the United States is authorized to send any officer of the Department of Justice to "attend to the interests of the United States in a suit pending in a court of the United States, or in the courts of a State, or to attend to any other interest of the United States." 28 U.S.C. § 517. The United States is aware that the defendant's motion to dismiss is fully briefed before the Court. The United States respectfully requests that the Court defer any resolution of defendant's motion until August 31, 2007. At or before that time, the United States will file a substantive memorandum pursuant to 28 U.S.C. § 517, setting

forth its interest with respect to this matter. The United States appreciates the Court's consideration of its request.

Dated: July 31, 2007

Respectfully submitted,

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Assistant Attorney General

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Deputy Director, Federal Programs Branch

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**CERTIFICATE OF SERVICE**

I, Seth M. Beausang, hereby certify that on **July 31, 2007**, I electronically filed the foregoing **NOTICE BY THE UNITED STATES OF ITS INTENT TO FILE A STATEMENT OF INTEREST** with the Clerk of Court using CM/ECF which will send electronic notification of such filing to the following:

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